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In re Application of:

Jorma Pallonen

Application No. 09/194,297

Filed: November 23, 1998

For: **METHOD FOR DETERMINING THE
POSITION OF A MOBILE STATION**

MAILED

Paper No. 23

APR 30 2003

**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600**

ON PETITION

This is a decision on the petition filed March 7, 2003 and Supplemental Petition filed March 26, 2003, to withdraw the holding of abandonment. The petition is being treated pursuant to 37 C.F.R. § 1.181(a). No fee is required.

The application was abandoned for failure to respond in a timely manner to an Office action mailed May 8, 2002. A Notice of Abandonment was mailed January 29, 2003.

Petitioner asserts that a proper response was timely filed on August 7, 2002. In support of the petition, petitioner submits a copy of the Response with a certificate of mailing of August 7, 2002. The Response includes a Terminal Disclaimer (T. D.), a check in the amount of \$110.00 for the T. D. fee, a transmittal sheet, and a return postcard and a statement which attests on a personal knowledge from Michael T. Wallace date March 26, 2003; and states "the Response is being deposited with the USPS as first class mail by Michael T. Wallace on August 7, 2002."

37 C.F.R. § 1.8(b) states that in the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition complies with the requirements stated above.

Accordingly, the petition is **GRANTED**.

The Notice of Abandonment mailed January 29, 2003 is hereby vacated and the Holding of Abandonment withdrawn. The application file is being forwarded to the Technology Center's support staff for entry of the response and the Terminal Disclaimer. Thereafter, the application file will be forwarded to the Examiner for further examination and consideration of the T.D.



Allen MacDonald, Director
Technology Center 2600
Communications